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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MINDEN PICTURES, INC.,

Plaintiff,

v.

BUZZFEED, INC. and DOES 1-10,

Defendants.

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Case No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Minden Pictures, Inc. (“Minden” or “Plaintiff”), by its attorneys Doniger / Burroughs APC, for its complaint against defendant Buzzfeed, Inc. (“Buzzfeed”) and Does 1-10 (together with Buzzfeed, “Defendants”), alleges as follows:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*
2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff Minden Pictures, Inc. is a corporation organized and existing under the laws of the state of California, with its primary place of business located at 9565 Soquel Drive, Suite 202, Aptos, California 95003.

5. Plaintiff is informed and believes and thereon alleges that BuzzFeed, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its primary place of business located at 200 Fifth Avenue, 8th Floor, New York, NY 10010, and is the owner of the website at www.buzzfeed.com.

6. Plaintiff is informed and believes and thereon alleges that Defendants Does 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of the Does 1-10, inclusive, are presently unknown to Plaintiff, which therefore sues said Does 1-10 by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

7. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or adopted each of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO SUBJECT PHOTOGRAPHS

8. By virtue of contractual assignments with the respective photographers, Plaintiff is the sole and exclusive agent and representative for the licensing and use of certain original nature photographs ("Subject Photographs"). Pursuant to that assignment, Plaintiff also has full and complete authority to institute suit for the unauthorized use of said images. Thus, Plaintiff has

standing to bring this action (*Minden Pictures, Inc. v. John Wiley & Sons*, 795 F.3d 997 (9th Cir., 2015)).

9. The Subject Photographs were registered with the United States Copyright Office as shown in the chart attached hereto as Exhibit A.

10. Plaintiff is informed and believes and thereon alleges that following its publication and display of the Subject Photographs, Defendants used the Subject Photographs without Plaintiff's authorization for commercial purposes in various ways, including, but not limited to, the use on websites such as buzzfeed.com.

11. Images of the Subject Photographs are shown in the chart attached hereto as Exhibit A.

12. Screen captures of Defendant's website with Subject Photographs are attached hereto as Exhibit B.

FIRST CLAIM FOR RELIEF

(Copyright Infringement - Against All Defendants)

13. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

14. Plaintiff is informed and believes and thereon alleges that Defendants had access to the Subject Photographs, including, without limitation, through Plaintiff's website and social media accounts or viewing the Subject Photographs on third-party websites (e.g., Tumblr, Pinterest, etc.).

15. Plaintiff is informed and believes and thereon alleges that Defendants used and distributed images of the Subject Photographs, and exploited said images in website posts without Plaintiff's authorization or consent.

16. Due to Defendants' acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

17. Due to Defendants' acts of copyright infringement as alleged herein, Defendants have obtained profits they would not otherwise have realized but for their infringement of the

Subject Photographs. As such, Plaintiff is entitled to disgorgement of Defendants' profits attributable to the infringement of the Subject Photographs in an amount to be established at trial.

18. Plaintiff is informed and believes and thereon alleges that Defendants committed copyright infringement with actual or constructive knowledge of Plaintiff's rights such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- a. That Defendants and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff's copyright in the Subject Photographs;
- b. That Plaintiff be awarded all profits of Defendants, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury in this action of all issues so triable.

Dated: New York, New York
March 19, 2018

Respectfully Submitted,

DONIGER / BURROUGHS

A handwritten signature in blue ink, appearing to be 'AG', is written over a horizontal line.

By: _____

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Counsel for Plaintiff Minden Pictures, Inc.

EXHIBIT A

Photograph	Registration Number	Registration Date
	VA 847-928	18 Feb 1997
	VA 847-928	18 Feb 1997
	VA 1 715-029	Pending
	VA 1 715-029	09 Jan 2009

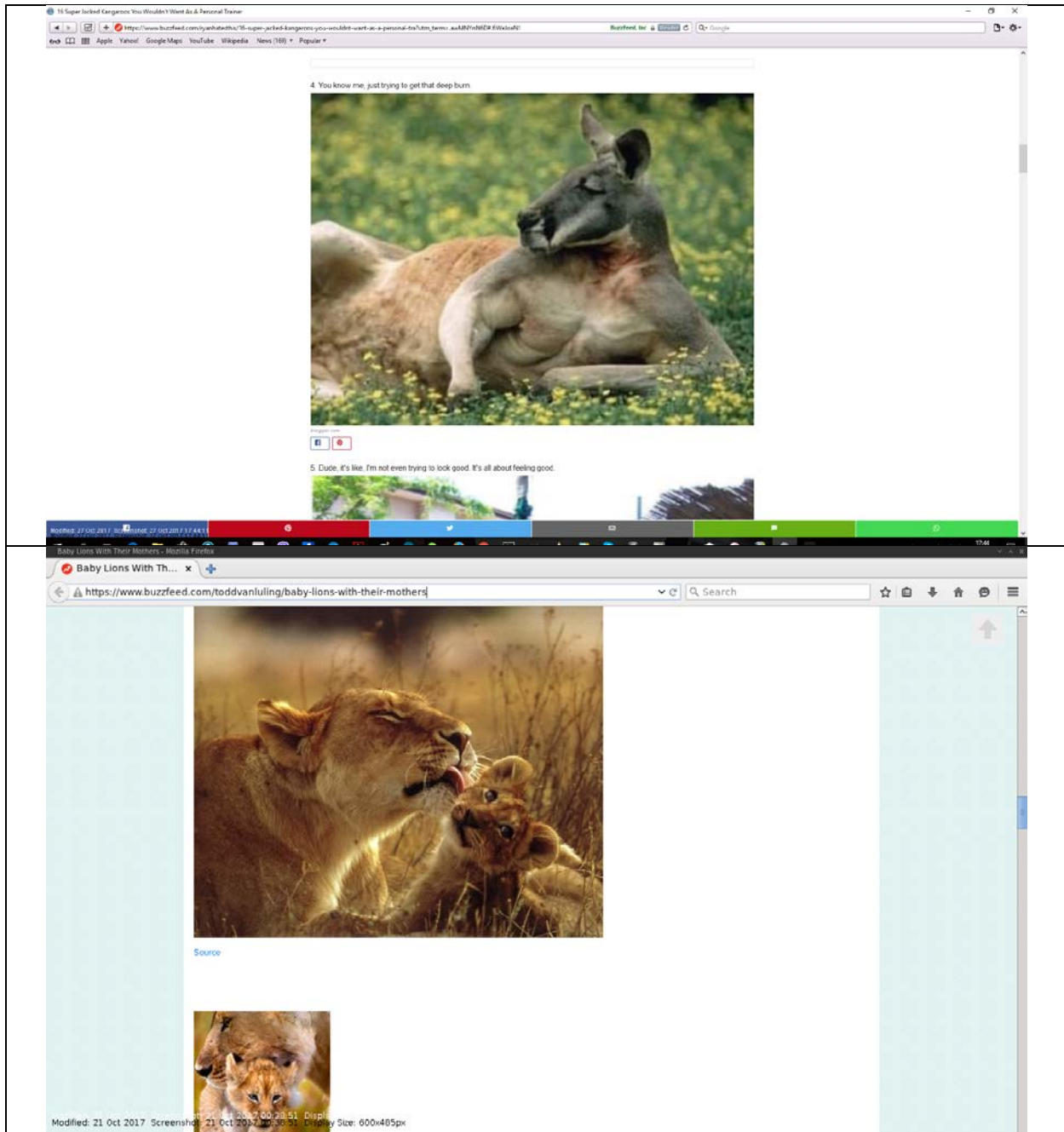
		VA1-700-959	16 Jan 2009
		VA 1-725-366	23 Dec 2008
		VA 1-725-390	23 Dec 2008

		VA1-700-964	16 Jan 2009
		VA 2-050-164	10 Feb 2017
		VA 2-054-209	03 Feb 2017
		VA 2-053-654	10 Feb 2017

		VA 2-050-091	10 Feb 2017
		VA 2-050-091	10 Feb 2017
		VAu 1-089-820	01 Aug 2011
		VA1-702-515	16 Jan 2009


		VA 1-715-889	23 Jan 2009
		VA 1-716-019	23 Jan 2009

EXHIBIT B



The 25 Gayest Animals - Mozilla Firefox


https://www.buzzfeed.com/mjs538/the-25-gayest-animals?utm_term=.lov8QXAv0#_f6e6kXBZD



Produzenten mal eine Kuchzunge geschickt, um ihre Freundin zu rächen

Albatrosses can live until they are 70 years old and it's said they make a lifelong commitment to one bird. They incubate their egg together for 65 days, taking turns to find food. According to biologist Lindsay Young, who used DNA analysis to genetically test the birds' gender, some of the female pairs have been together for up to 19 years. [Source.](#)

7. Bed Bugs




Modified: 21 Oct 2017 Screenshot: 21 Oct 2017 00:35:02 Display Size: 541x422px

All The Types Of Dancing Animals

https://www.buzzfeed.com/youstar/all-the-types-of-dancing-animals?utm_term=.jvWbAMM4-wtly8Yb

Now playing: Malkin - Digging

The tappers



Now playing: Thee Well

The interpretive dancer

